

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MARYLAND

KIM K. SUMNER,

*

Plaintiff

*

Civil Action No. 1:13-cv-00539-JRG

v.

*

MARYLAND JUDICIARY /
DISTRICT COURT OF MARYLAND,
et al.,

*

*

Defendants

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DEFENDANTS' MOTION TO ACCEPT AS TIMELY LATE FILING OF
DEFENDANTS' MOTION TO DISMISS, OR IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT

Defendants by their attorneys, Douglas F. Gansler, Attorney General of Maryland, and Michele J. McDonald, Assistant Attorney General, pursuant to Fed. R. Civ. P. 6(b)(1)(B) and L.R. 105.9, requests for good cause shown, permission to file its Motion to Dismiss, or in the Alternative, for Summary Judgment, within 5 hours and 13 minutes after the expiration of the time when it was due.

1. Defendants' response to Plaintiff's 92 page, 236-paragraph Amended Complaint in the above-captioned case was due Monday July 7, 2014.

2. Defendants' response to Plaintiff's summary judgment motion and responsive pleading were also due in a matter presently pending before the Honorable Richard Bennett, in *Tankersly v. Almand, et al*, Civil Case no. 1:14-cv-01668-RDB. This case, along with the companion case, *Greidinger v. Almand, et al*, 1:14-cv-01454-RDB,

have been on an expedited briefing schedule, due to the attendant suspension of several attorneys' law licenses for noncompliance with Maryland Rule 16-811.5 (requiring disclosure of SSN to Client Protection Fund).

3. Although undersigned counsel was able to obtain counsel's consent to file the response in *Tankersly* by tomorrow at 12:00 p.m., the ancillary matters surrounding filing that consent motion took additional time from completing the motion in the *Sumner* matter.

4. Additionally, due to the requirements of the Local Rules no motion may exceed 50 pages. Given the extreme length of the Amended Complaint (92 pages), it was extremely difficult to pare down the motion to conform to the required length. This process took an unanticipated amount of time, and in order to get the memorandum to conform to the required 50 pages certain heading functions had to be overridden making it necessary to manually retype the Table of Contents and manually renumber the page numbers in the Table of Authorities after significant time was lost trying to ascertain why the creation of the tables seemed to have caused the motion to exceed 50 pages.

5. In addition, several technical issues arose concerning the filing of the motion under seal and the request to seal certain exhibits.

6. Having completed the filing, Defendants request permission to file the Motion to Dismiss, or in the Alternative, for Summary Judgment, approximately 5 hours and 13 minutes beyond the deadline.

7. No prejudice will inure to Plaintiff by the 5 hour and 13 minute delay in

filing.

WHEREFORE, based on the foregoing, Defendants, through counsel, respectfully requests that this Court grant its Motion to Accept as Timely, a late filing of its Motion to Dismiss, or in the Alternative, for Summary Judgment.

A proposed Order is submitted with this motion.

Respectfully submitted,

DOUGLAS F. GANSLER
Attorney General of Maryland

/s/

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 8, 2014, a copy of the foregoing was served by electronic means via the Court's Case Management / Electronic Case Files (CM/ECF) system on the persons entitled to receive such notice:

Gerardine M. Delambo
705 Deepdene Road
Baltimore, MD 21210
Attorney for Plaintiff

_____/s/
Michele J. McDonald
Assistant Attorney General